

FAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ricardo ORTIZ-Mendoza,

Defendant

CLERK, U.S.
SOUTHERN DISTRICT OF CALIFORNIA

BY: 

Magistrate Case No.

08 MJ0030

COMPLAINT FOR VIOLATION OF:

DEPUTY

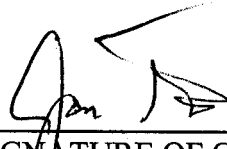
Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

The undersigned complainant, being duly sworn, states:

Count 1

On or about **January 2, 2008** within the Southern District of California, defendant **Ricardo ORTIZ-Mendoza** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Bolivar RODRIGUEZ-Cardenas**, **Indalis MUNOZ-Flores**, and **Adela NOVA-Quintero** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

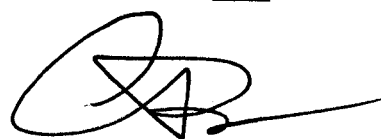
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF JANUARY, 2008



Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

FAS

CONTINUATION OF COMPLAINT:

Ricardo ORTIZ-Mendoza

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Bolivar RODRIGUEZ-Cardenas**, **Indalis MUNOZ-Flores**, and **Adela NOVA-Quintero** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On Wednesday January 02, 2008 at approximately 09:28am, Agent J. Vasquez of the El Cajon Border Patrol Station contacted the State Route 94 (SR 94) Border Patrol Checkpoint near Dulzura, California in regard to a possible alien smuggling load vehicle that he had lost in the area of Potrero, California. Agent Vasquez described the vehicle as a late model, tan or brown colored Nissan sedan with a heavy-set male driver, possibly traveling westbound on SR 94.

At approximately 9:47am, Agent W. Bowes was working primary inspection at the SR 94 Checkpoint when a vehicle matching the description of the possible load vehicle arrived. Due to the fact that the vehicle and driver matched the descriptions of the previously relayed information, Agent Bowes proceeded to conduct a brief field immigration interview on the driver. During preliminary questioning, the driver claimed to be a United States citizen. As Agent Bowes continued with follow up questions, Agent D. Kitzman approached the vehicle from the passenger side to assist.

During the brief interview, Agent Bowes inquired if there was anything in the vehicle's trunk, to which the driver responded, no. Agent Bowes then asked the driver if he would mind opening the trunk, to which the driver responded, yes. For clarification, Agent Bowes asked if he could look inside the trunk of the vehicle, to which the driver responded, yes. Agent Kitzman had placed a controlled tire deflation device (CTDD) in front of the back passenger side tire of the vehicle. As Agent Bowes was about to place a second CTDD in front of the front driver side tire, before walking to the back of the vehicle to inspect the trunk, the driver forcibly stepped on the vehicle's accelerator pedal and fled from the checkpoint at a high rate of speed. The CTDD that Agent Kitzman had deployed made positive contact with the back passenger side tire causing it to deflate after a short distance. As the suspect vehicle traveled westbound on SR 94, Agents Bowes and J. Gonzalez proceeded to get into a fully marked U.S. Border Patrol Bureau sedan to follow.

Agents Bowes and Gonzalez observed that the suspect vehicle's back passenger side tire was completely torn from the rim. Agents Bowes and Gonzalez also noticed that the trunk hood was now ajar. As Agents Bowes and Gonzalez closed the following distance to the suspect vehicle, they activated emergency light and siren of their bureau issued vehicle, signaling the suspect vehicle to stop. The suspect vehicle quickly exited SR 94 at Short Court road traveling southbound, failing to yield. Agents Bowes and Gonzalez entered onto Short Court, and observed the suspect vehicle conducting a wide U-turn through a field.

Agents Bowes and Gonzalez believed that the driver was attempting to find a location to bail out. Agent Bowes and Gonzalez quickly exited their vehicle and began to run toward the suspect vehicle. As Agent Bowes and Gonzalez approached on foot, the driver of the suspect vehicle aimed the vehicle directly at the agents and accelerated in their direction, forcing Agents Bowes and Gonzalez to take evasive action in order to avoid being struck. The suspect vehicle re-entered onto SR 94 westbound from Short Court. Agents Bowes and Gonzalez quickly returned to their vehicle in an attempt to reacquire the suspect vehicle, but had lost visual.

Agents Bowes and Gonzalez relayed all this information to other agents in the field via bureau radio.

FAS

CONTINUATION OF COMPLAINT:**Ricardo ORTIZ-Mendoza**

At approximately 10:00 a.m. the SR 94 Checkpoint received a telephone call from a concerned citizen regarding a possible alien smuggling load vehicle on Hillside Road. This area is located on the north side of SR 94 and is in the vicinity of Short Court. The description of the load vehicle matched the description of the suspect vehicle. The concerned citizen added that he had witnessed several people exiting from the vehicle's trunk and running through a small ravine near his residence.

Several Border Patrol Agents including K-9 handler Senior Patrol Agent J. Davila and K-9 Bale, and Agents assigned to the San Diego Sector's Smuggling Interdiction Group responded to the area in an attempt to locate the suspect vehicle. After a brief search of the area, Agent Davila and K-9 Bale located four subjects attempting to conceal themselves in some thick brush. Agent Davila approached the four subjects, identified himself as a Border Patrol Agent and conducted an immigration field interview. All four subjects individually admitted to being citizens and nationals of Mexico not in the possession of any immigration documents that would allow them to enter or remain in the United States legally. Agent Davila placed all four subjects under arrest and arranged to have them transported to the Chula Vista Border Patrol Station for further processing.

A short time later, Agent Davila located the suspect vehicle unoccupied. Agent Davila began a perimeter search of the area with his canine partner for the load vehicle's driver. After a brief search, Agent Davila and K-9 Bale located a subject matching the description of the driver attempting to hide in some thick brush. Agents O. Ramirez and M. Ortiz arrived on scene and approached the subject. Agents O. Ramirez and M. Ortiz proceeded to conduct a field immigration interview on an individual later identified as the defendant. **Ricardo ORTIZ-Mendoza.** The subject stated that he was a United States citizen and freely admitted that he was driving the suspect vehicle, and that he was aware that there were four illegal aliens concealed in the vehicle's trunk, that was the reason he had fled inspection at the checkpoint. At 12:15 PM Agent Ortiz placed the subject under arrest and arranged to have him transported him to the Chula Vista Border Patrol Station for Processing.

DEFENDANT STATEMENT:

The defendant claims that he was born in Los Angeles, California and both of his parents are from Mexico. He is currently living in Chula Vista, California. He admitted to crossing into the United States legally today through the Tecate Port of Entry in Tecate, California using his driver's license and a birth certificate. The defendant states that he was previously deported to Mexico, but admitted that at the time of that particular apprehension he was scared, and believed that by claiming to be a Mexican citizen he would escape prosecution. . The defendant stated that he has an extensive record for smuggling aliens. The defendant freely admitted that he has been smuggling illegal aliens into the United States for about twelve years and that he has successfully smuggled more than five hundred aliens. The defendant added that on top of being an alien smuggling vehicle load driver, he is also caretaker of a load house that harbors illegal aliens.

The defendant states that he works for a smuggler known as, Cruz. The defendant stated that as he was preparing to depart from Tecate, Mexico when Cruz asked him if he was willing to make a little money. The defendant stated that he accepted the offer in order to show another alien smuggling organization boss known as El Gordo that he would be willing to work for him.

The defendant stated that he was to receive \$800.00 dollars USD to pick up four illegal aliens in Potrero, California and take them to an address in Chula Vista, California. When asked how he knew that the people he picked up were illegally present in the United States the defendant stated that he knew that they had been smuggled into the United States through the hills of Tecate, California, and that they were to pay him a smuggling fee that he in turn would give to the main smuggler.

FAS

CONTINUATION OF COMPLAINT:**Ricardo ORTIZ-Mendoza**

When questioned as to the ownership of the vehicle, the defendant admitted that the gold Nissan was his. When questioned as to the location where he picked up the people the defendant stated that when entering Potrero, California he received a call as to the pick up spot. The defendant went on to state that he opened

the trunk using the remote button inside the car, and the alien smuggling foot-guide opened the trunk and situated the people inside and then closed the trunk. The defendant stated that he then traveled towards the State Route 94 checkpoint.

At the checkpoint the defendant stated that a Border Patrol Agent asked him to move his vehicle into the secondary lane but he panicked and drove off at a high rate of speed. The defendant stated that he knew that he was being followed by a marked Border Patrol sedan and saw the red lights but continued to flee because he was scared. The defendant stated that he ran away from the vehicle and hid in some bushes until he was found by a Border Patrol Agent and his dog.

The defendant stated that if he would have gotten the load through, he was to take them to a house on Calle Caminito in Chula Vista, California. The defendant continued to state that he knew that it was illegal to run from the police, and that he knew he was putting lives at risk by running.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Bolivar RODRIGUEZ-Cardenas**, **Indalis MUNOZ-Flores**, and **Adela NOVA-Quintero** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. RODRIGUEZ stated that he was to pay \$3,500.00 (US) to be smuggled into the United States.